

**VIRGINIA DEPARTMENT OF EDUCATION  
DIVISION OF SPECIAL EDUCATION AND STUDENT SERVICES  
OFFICE OF DISPUTE RESOLUTION AND  
ADMINISTRATIVE SERVICES**

**State Operated Programs and Virginia Schools for the Deaf and Blind**

Local Special Education Annual Plan and Report  
2006-2007

Submitted by:

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(SOP)

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Address

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Date

Please return the **original and one (1) copy** of the Local Special Education Annual Plans and Reports from \_\_\_\_\_ (SOP) by May 22, 2006 to the following address:

Lynda Turrieta-McLeod,  
Administrative Assistant,  
Office of Dispute Resolution & Administrative Services  
Department of Education  
P. O. Box 2120  
Richmond, VA 23218-2120

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**GENERAL INSTRUCTIONS  
ANNUAL PLAN PROCESS  
2006-2007**

All school divisions and state-operated programs and the Virginia Schools for the Deaf and the Blind in Virginia (the Virginia Schools) are required to establish eligibility for funding under the Individuals with Disabilities Education Improvement Act of 2004 (IDEA '04). IDEA '04 requires that each local educational agency (LEA), in providing for the education of children with disabilities within its jurisdiction, has in effect policies, procedures, and programs that are consistent with the State's policies and procedures, which have been established in accordance with IDEA '04.<sup>1</sup> Each LEA is also required to ensure that these policies and procedures are on file with the Virginia Department of Education (VDOE). This Annual Plan process helps ensure the LEA's accountability, and in turn VDOE's accountability, for implementation of the IDEA '04 requirements in providing programs for children with disabilities.

The following pages provide the necessary forms to assist Virginia's school divisions, state-operated programs, and the Virginia Schools in preparation of their respective 2006-2007 Annual Plan. Please also refer to the Superintendent's Memo, dated December 9, 2005 for additional information and contact assistance.

Virginia Department of Education  
Division of Special Education and Student Services  
Office of Dispute Resolution and Administrative Services

(804) 225-2013

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<sup>1</sup> See IDEA '04 § 1413(a)(1).

## **INSTRUCTIONS FOR STATE-OPERATED PROGRAMS AND THE TWO VIRGINIA SCHOOLS FOR THE DEAF AND THE BLIND**

Annual special education plans for State-Operated Programs (SOPs) are submitted to establish eligibility to receive funding under Part B of the Individuals with Disabilities Education Improvement Act of 2004 (IDEA '04) and 619 and Project Set Aside funds. These documents are collected as a component of the department's overall responsibility to ensure compliance with both the Regulations Governing Special Education Programs in Virginia, effective March, 2002 (the Virginia Regulations), and IDEA '04. This funding is made available on the condition that special education policies and procedures are implemented as approved in the plans and that subsequent changes to policies and procedures will be submitted to the Department of Education for approval.<sup>2</sup>

SOPs are not responsible for the development of a local advisory committee.<sup>3</sup> Rather, all SOPs conduct a review of their policies and procedures with an assigned subcommittee of the State Special Education Advisory Committee on an annual basis on a date designated by the Virginia Department of Education. Mental Health programs not serving pre-school age populations are not eligible for Application to 619 Funds.

The sections of the Virginia Regulations sections, which are listed below, do not apply to SOPs. Therefore, these sections of the annual plan should not be completed and/or submitted by SOPs.

1. Assurance of Free Appropriate Public Education Division Wide – 8 VAC 20-80-40 – B
2. Child Find – 8 VAC 20-80-50
3. Placement of Children at the Virginia School for the Deaf and the Blind at Staunton or the Virginia School for the Deaf, Blind and Multi-Disabled at Hampton – 8 VAC 20-80-65
4. Private School Placement – 8 VAC 20-80-66
5. Federal Funds – 8 VAC 20-80-120 –B, C, F, and H

In addition, SOPs should not complete the following two sections of the application for federal funds: The excess cost determination; and the local special education advisory committee section. All other sections must be completed.

Staff at the department will continue to work with individual SOPs to refine areas where the need for modification of the policies or procedures may exist.

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<sup>2</sup>See the Virginia Regulations, at 8 VAC 20-80-90, 8 VAC 20-80-100, 8 VAC 20-80-120, 8 VAC 20-80-130, and 8 VAC 20-80-140.

<sup>3</sup> See the Virginia Regulations, at 8 VAC 20-80-90-E.

## PART I

- ☐ Assurance Statement
- ☐ Director's Certification
- ☐ Changes to Policies and Procedures

## **ASSURANCE STATEMENT**

For the purpose of implementing provisions of the Individuals with Disabilities Education Improvement Act of 2004 (IDEA '04), the \_\_\_\_\_ (LEA/SOP) assures that throughout the period of the 2006-2007 grant award, this local educational agency/state-operated program will comply with all the requirements of Part B of IDEA '04, including, but not limited to:

- (1) All of the policies and procedures that were approved as part of the LEA/SOP's most recent prior year State Plan under Part B of the IDEA '97 that are not inconsistent with the IDEA '04;
- (2) All of the eligibility requirements of Section 613 of IDEA '04; and
- (3) Each of the new requirements of IDEA '04, as outlined in the Virginia Department of Education's Guidance Document entitled, "Required Modifications to Local Policies and Procedures."

The LEA/SOP assures that policies and procedures are kept current. Amendments to policies and procedures are submitted to the Virginia Department of Education as they are adopted by the local school board, or made by the state-operated programs or the Virginia Schools. Any changes made to the policies and procedures will be submitted as amendments to the Annual Plan.

The LEA/SOP also assures that to the extent necessary to make its policies and procedures consistent with the federal implementing regulations of IDEA '04, which are anticipated to be issued in 2006, the LEA/SOP will, immediately following the issuance of the federal regulations, initiate the process to revise its policies and procedures accordingly.

### **IDEA Carryover for Grant Awards for periods beginning July 1, 2004.**

Grants awarded to local school divisions and other public agencies during the 2004-2005 school year are subject to the statutes in effect at the time the funds are used. Therefore, local school divisions must comply with the IDEA '97 and its implementing regulations regarding the aforementioned funds. The Education Department General Administrative Regulations (EDGAR) addresses the issue, at Part 76, Subpart G, Section 710, stating, "A State and a subgrantee shall use carryover funds in accordance with:

- (a) The federal statutes and regulations that apply to the program and are in effect for the carryover period; and
- (b) Any state plan, or application for a subgrant, that the State or subgrantee is required to submit for the carryover period."

The LEA/SOP assures that through the period of the 2004-2005 grant award, this LEA/SOP will comply with these requirements.

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**Superintendent/SOP Director  
Or Designee**

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**Date**

**DIRECTOR'S CERTIFICATION  
SPECIAL EDUCATION POLICIES AND PROCEDURES  
FOR STATE-OPERATED PROGRAMS OR SCHOOLS FOR THE  
DEAF AND THE BLIND  
For Annual Plan Year 2006-2007**

Submitted herewith are the policies and procedures for the Special Education Program in \_\_\_\_\_ State-Operated Program/Schools for the Deaf and the Blind. The policies and procedures were reviewed by the State Special Education Advisory Committee on \_\_\_\_\_ (Date). Any needed changes to the plan following the review will be submitted to the Department of Education within 10 administrative working days after the review date.

I hereby certify that this agency has developed policies and procedures to ensure compliance with Board of Education regulations.

I further certify that all students, including those who may be placed in regional programs by this agency, are afforded all assurances as delineated in this document.

\_\_\_\_\_  
**SOP Director or Designee**

\_\_\_\_\_  
**Date**

Note: This page is to be completed by SOPs and Schools for the Deaf and the Blind only.

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**SOP/ the Virginia Schools**

IDENTIFY ON THIS FORM AND SUBMIT TO VDOE ONLY THE CHANGES TO POLICIES AND PROCEDURES THAT ARE NOT CURRENTLY ON FILE WITH THE VIRGINIA DEPARTMENT OF EDUCATION.

<b>DATE AMENDED</b>	<b>REGULATIONS GOVERNING SPECIAL EDUCATION PROGRAMS FOR CHILDREN WITH DISABILITIES IN VIRGINIA, March 27, 2002, (Virginia Regulations)</b>	<b>LEA POLICY/ PROCEDURE DOCUMENT</b>	<b>PAGE NO.</b>
	8 VAC 20-80-40 Responsibility of the local school divisions and state-operated programs		
	8 VAC 20-80-45 Special education staffing requirements		
	8 VAC 20-80-50 Child find		
	8 VAC 20-80-52 Referral for evaluation		
	8 VAC 20-80-54 Evaluation		
	8 VAC 20-80-56 Eligibility		
	8 VAC 20-80-58 Termination of special education and related services		
	8 VAC 20-80-60 Free appropriate public education		
	8 VAC 20-80-62 Individualized education program		
	8 VAC 20-80-64 Least restrictive environment and placements		
	8 VAC 20-80-65 Placement of Children at the Virginia Schools		
	8 VAC 20-80-66 Private school placements		
	8 VAC 20-80-68 Discipline		
	8 VAC 20-80-70 Procedural safeguards		
	8 VAC 20-80-70 G. Confidentiality of Personally Identifiable Information		
	8 VAC 20-80-72 Transfer of rights to students who reach the age of majority		
	8 VAC 20-80-74 Mediation		
	8 VAC 20-80-76 Due process hearing		
	8 VAC 20-80-78 Complaints		
	8 VAC 20-80-80 Surrogate parents		
	Management of Student Scholastic Records: Submit a copy of the Local Policies and procedures for the Management of Student Scholastic Records.		
	8 VAC 20-80-60 A. Full Education Opportunity Goal: Submit a detailed timetable for accomplishing full educational opportunity for all children with disabilities, from birth through age twenty-one (21) by 2010, including appropriate career education, pre-vocational education, and vocational education. Also provide a description of the kind and number of additional facilities, personnel, and services necessary to meet this goal.		



## PART II

- ❑ Report on the Implementation of the 2004-2005 Plan

**REPORT ON IMPLEMENTATION  
OF THE 2004-2005 ANNUAL PLAN**

Submit a report indicating the extent to which the annual plan for the 2004-2005 school year has been implemented (Virginia School Laws §22.1-215).